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13 DEPUY ORTHOPAEDICS, INC., JOHNSON &  
14 JOHNSON SERVICES, INC., JOHNSON &  
15 JOHNSON (erroneously sued as "Johnson &  
16 Johnson, Inc."), DEPUY INTERNATIONAL  
17 LIMITED (erroneously sued as "DePuy  
18 International, Ltd.")

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

21 SUSAN OXLEY,  
22 vs.  
23 DEPUY ORTHOPAEDICS, INC., JOHNSON  
24 & JOHNSON SERVICES, INC., JOHNSON  
25 & JOHNSON, INC., DEPUY  
INTERNATIONAL, LTD., THOMAS P.  
SCHMALZRIED, M.D., THOMAS P.  
SCHMALZRIED, M.D. A PROFESSIONAL  
CORPORATION; and DOES 1 through 20,  
inclusive,  
Defendants.

CASE NO. CV12-1979-SC

**STIPULATION TO STAY  
PROCEEDINGS**

[Filed concurrently with [Proposed] Order]

26 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

27 The parties to this action<sup>1</sup>, by and through the undersigned counsel, stipulate to stay all  
28

<sup>1</sup> Although Johnson & Johnson Services, Inc., Johnson & Johnson (erroneously sued as "Johnson & Johnson, Inc."), and DePuy International Limited (erroneously sued as "DePuy (footnote continued)

1 proceedings in this case pending a decision by the Judicial Panel on Multidistrict Litigation  
2 (“Panel”) on the transfer of this case to *In re DePuy Orthopaedics, Inc. Pinnacle Hip Implant*  
3 *Products Liability Litigation*, MDL Docket No. 2244, which is currently pending before Judge Ed  
4 Kinkeade in the United States District Court for the Northern District of Texas. A stay of this  
5 action will preserve the resources of the Court and all the parties involved. All parties agree that a  
6 stay of proceedings is necessary and appropriate to achieve the judicial economies that underlie 28  
7 U.S.C. § 1407 and that the burden of duplicative litigation weighs heavily in favor of staying  
8 proceedings pending MDL transfer.

9 The parties further stipulate that all deadlines in the above-captioned matter, including any  
10 deadlines relating to a potential remand motion and any outstanding responsive pleading, are  
11 extended until 30 days after the entry of a joint Case Management Order in the MDL addressing  
12 remand briefing.

13 For the foregoing reasons, the parties respectfully request that the Court grant their  
14 stipulation to stay all proceedings in this action pending its likely transfer to MDL 2244 and  
15 extend all deadlines in this case until 30 days after the entry of a joint Case Management Order in  
16 the MDL addressing remand briefing.

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24 International, Ltd.”) join in the filing of this stipulation, Johnson & Johnson Services, Inc.,  
25 Johnson & Johnson, and DePuy International Limited expressly preserve all of their defenses,  
26 including lack of personal jurisdiction. Johnson & Johnson Services, Inc., Johnson & Johnson, and  
27 DePuy International Limited recognize that the MDL court will be best suited to oversee all  
28 overlapping issues in the Pinnacle Cup System cases – including any motions under Federal Rule  
of Civil Procedure 12(b).

1 Respectfully submitted,

2 DATED: April 30, 2012

SEEGER SALVAS LLP

3

4 By: /S/ Adam R. Salvias

5 Kenneth M. Seeger

6 Adam R. Salvias

Brian J. Devine

7 Attorneys for Plaintiff SUSAN OXLEY

8 DATED: April 30, 2012

YUKEVICH CALFO & CAVANAUGH

9

10 By: /s/ Alexander G. Calfo

11 Alexander G. Calfo

12 Kelley S. Olah

13 Gabrielle Anderson-Thompson

14 Attorneys for Defendants DEPUY

15 ORTHOPAEDICS, INC., JOHNSON &

16 JOHNSON SERVICES, INC., JOHNSON &

17 JOHNSON (erroneously sued as "Johnson &

18 Johnson, Inc."), DEPUY INTERNATIONAL

19 LIMITED (erroneously sued as "DePuy

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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and **not a party to this action**. I am  
4 employed in the County of Los Angeles, State of California. My business address is 355 South  
Grand Avenue, Fifteenth Floor, Los Angeles, California 90071-1560.

5 On April 30, 2012, I served true copies of the following document(s) described as  
6 **STIPULATION TO STAY PROCEEDINGS** on the interested parties in this action as follows:

7 Kenneth M. Seeger Attorneys for Plaintiff  
8 Adam R. Salvas SUSAN OXLEY  
9 Brian J. Devine  
10 SEEGER • SALVAS LLP T: (415) 981-9260  
11 455 Market Street, Suite 1530 F: (415) 981-9266  
12 San Francisco, CA 94105

13 **BY CM/ECF** for parties that are CM/ECF participants. Service is being made electronically on  
14 those parties on the attached list that are registered users of the Court's Electronic Case Filing  
15 System.

16 I declare under penalty of perjury under the laws of the United States of America that the  
17 foregoing is true and correct and that I am employed in the office of a member of the bar of this  
18 Court at whose direction the service was made.

19 Executed on April 30, 2012, at Los Angeles, California.



20 Deanna Castellanos

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